

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Emilee Cass,

NO. C 07-03549 JW

Plaintiff,

**ORDER DISMISSING PLAINTIFF'S
COMPLAINT WITHOUT PREJUDICE
FOR FAILURE TO PROSECUTE**

v.

Starbucks Corp., et al.,

Defendants.

Emilee Cass ("Plaintiff") filed this diversity action against Starbucks Corp. ("Defendant"), alleging, *inter alia*, violations of California Government Code § 12940.

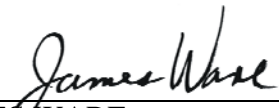
On June 16, 2008, the Court conducted a Case Management Conference. Counsel for Defendant was present; however, no one appeared on behalf of Plaintiff Emilee Cass. (Docket Item No. 19.) Prior to the conference, the Court had granted Plaintiff's counsel's motion to withdraw as counsel of record. (Docket Item No. 16.) The Order provided Plaintiff shall file notice of either (1) substitution of counsel or (2) self-representation on or before May 22, 2008. To date, Plaintiff has failed to file any such notice. Thus, the Court ordered Plaintiff to appear at a hearing set for July 7, 2008 to show cause why the case should not be dismissed for failure to prosecute. (Docket Item No. 20.) The Court also ordered Plaintiff to file a certification with the Court at least ten days prior to the July 7, 2008 hearing explaining the reason no appearances were made, what steps Plaintiff is taking to prosecute the action, and the expected future course of the litigation. Plaintiff failed to appear at the show cause hearing, and, to date, Plaintiff has not filed a certification as required by

1 the Court. In the Court's Order setting the show cause hearing, the Court warned Plaintiff that a
2 failure to file a certification would result in a dismissal of the case pursuant to Rule 41(b) of the
3 Federal Rules of Civil Procedure.

4 The Court notes that mail sent by the Clerk of Court to Plaintiff has been returned as
5 undeliverable, and there is no forwarding address. (Docket Item No. 21.) It appears that Plaintiff
6 has abandoned this litigation. Since Plaintiff has failed to take the actions directed by the Court and
7 has otherwise abandoned this case, the Court DISMISSES Plaintiff's Complaint without prejudice.

8 The Clerk shall close this file.

9
10 Dated: July 7, 2008



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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7 Emilee Cass
8 1260 N. Bascom Ave. Apt. #5
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10 **Dated: July 7, 2008**

Richard W. Wieking, Clerk

11 By: /s/ JW Chambers
12 **Elizabeth Garcia**
13 **Courtroom Deputy**